

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEVE ELLIOT, et al,

Plaintiffs,

v.

JOSHUA LATOR and SCOTT TAYLOR,

Defendants.

Case No. 04-74817

Honorable Gerald E. Rosen

Magistrate Judge Steven D. Pepe

ORDER REGARDING PLAINTIFFS' MOTION TO COMPEL DISCOVERY (Dkt. # 45)

Plaintiffs' Motion to Compel Discovery was heard in a telephonic hearing on December 9, 2005. For the reasons stated below, plaintiffs' motion is GRANTED IN PART.

This matter involves Plaintiffs allegations that Defendants, who are Michigan State Police officers, illegally raided their home and falsely arrested them.

Plaintiffs ask that Defendants produce documents described as "Confidential Operational Plans (Raid Plans) which set forth the details regarding multiple raids...". (Dkt. #45, p. 2). Defendants argue that the documents are not in their possession but, if they exist at all, are in the possession of a task force known as BAYNET, which is under the control of the Michigan State Police.

Defendants shall meet and confer with their counsel to determine whether the Raid Documents exist and, if so, who has possession of the Raid Documents and whether Defendants can obtain them from their employer without a court order. If it is determined that a subpoena directed to the Michigan State Police Department is the only way the documents can be secured for production to Plaintiffs, then Defendants shall provide Plaintiffs with the name and address of the person to whom the subpoena should be directed. Also, if a protective order is necessary in order

for the Raid Documents to be produced then counsel for the parties shall submit a stipulated protective order for the undersigned's signature.

Accordingly, IT IS ORDERED, that on or before December 23, 2005, Defendants shall either produce the Raid Documents to Plaintiffs or submit a letter to Plaintiffs indicating that they are unable to secure the Raid Documents and indicating to whom the subpoena should be directed, and the parties shall submit a stipulated protective order to the undersigned if such is required to facilitate the production of the Raid Documents.

Dated: December 12, 2005
Ann Arbor, Michigan

s/Steven D. Pepe
United States Magistrate Judge

Certificate of Service

I hereby certify that a copy of this Order was served upon the attorneys of record by electronic means or U. S. Mail on December 12, 2005.

s/William J. Barkholz
Courtroom Deputy Clerk